

“The Federal Rules of Civil Procedure do not specifically contain a ‘motion for reconsideration.’ Such motions, however, are allowed in certain, limited circumstances.” Wiseman v. First Citizens Bank & Tr. Co., 215 F.R.D. 507, 509 (W.D.N.C. 2003). “A motion to reconsider is appropriate when the court has obviously

misapprehended a party's position or the facts or applicable law, or when the party produces new evidence that could not have been obtained through the exercise of due diligence." Madison River Mgmt. Co. v. Bus. Mgmt. Software Corp., 402 F. Supp. 2d 617, 619 (M.D.N.C. 2005). "Such problems rarely arise and the motion to reconsider should be equally rare." Wiseman, 215 F.R.D. at 509 (quoting Above the Belt, Inc. v. Mel Bohannon Roofing, Inc., 99 F.R.D. 99, 101 (E.D. Va. 1983)). "An improper use of the motion to reconsider can waste judicial resources and obstruct the efficient administration of justice." United States v. Duke Energy Corp., 218 F.R.D. 468, 474 (M.D.N.C. 2003) (quotation marks omitted) (quoting Fidelity State Bank v. Oles, 130 B.R. 578, 581 (D. Kan. 1991)). Thus, "[i]t is improper to file a motion for reconsideration simply to ask the Court to rethink what the Court had already thought through – rightly or wrongly." Wiseman, 215 F.R.D. at 509 (quotation marks omitted).

### III. DISCUSSION

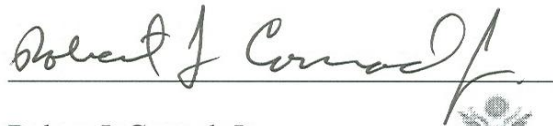
Plaintiff fails to show why reconsideration is appropriate. Plaintiff has neither presented newly discovered evidence nor shown that the Court obviously misapprehended the facts or applicable law. A motion to reconsider "is not to present a better and more compelling argument that the party could have presented in the original briefs." Madison, 402 F. Supp. 2d at 619. Therefore, Plaintiff's Motion for Reconsideration is denied.

### IV. CONCLUSION

**IT IS THEREFORE ORDERED** that Plaintiff's Motion for Reconsideration,

(Doc. No. 71), is **DENIED**.

Signed: October 10, 2019

  
Robert J. Conrad, Jr.  
United States District Judge

